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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,295	04/13/2004	Leonardo William Estevez	TI-36902 (1962-10700)	4575

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER	
BALAOING, ARIEL A	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,295	ESTEVEZ ET AL.	
	Examiner	Art Unit	
	Ariel Balaoing	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-13,15-23 and 25-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-13,15-23 and 25-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.

2.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, 5-8, 13, 15-17, 21, 23, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of LESAINT et al (US 6,578,005 B1).

Regarding claim 1, RATSCHUNAS discloses a method, comprising: accessing an electronic application on a handheld device to determine a scheduled time and location of an upcoming event (abstract; col. 2, line 1-16); determining an intermediate amount of travel using a distance between said location of the upcoming event and a

current location of the handheld device (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); determining factors which affect travel time to said event (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); using said factors to modify the intermediate amount of travel time, thereby producing a final amount of travel time for a user to timely arrive at the upcoming event (col. 5, line 33-col. 6, line 5); providing an alert to the user at a time that precedes the upcoming event by at least the final amount of travel time (col. 5, line 33-col. 6, line 5). However, RATSCHUNAS does disclose wherein factors affecting travel time to said event is other than said distance and a speed of the handheld device. In the same field of the endeavor, LESIANT et al discloses wherein factors affecting travel time to said event is other than a distance and a speed of the handheld device (col. 25, line 21-40; col. 28, line 58-65; factors affecting travel time includes weather, road conditions, etc.). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include the factors affecting a travel time, as taught by LESAINT, since LESAINT states that such a modification would allow a system to handle rapid changes in a schedule.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further accessing a network to determine said factors (col. 1, line 56-67, col. 2, line 49-54, col. 3, line 1-16; col. 5, line 13-18; col. 6, line 48-67).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further

comprising accessing GPS to determine a current location for the handheld device (col. 2, line 49-54).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RATSCHUNAS and LESIANT discloses wherein using said factors comprises using at least one factor selected from the croup consisting of weather conditions, low automobile fuel levels, and lack of user familiarity with a travel route (col. 25, line 21-40; col. 28, line 58-65).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein providing an alert comprises providing a visual alert (col. 2, line 58-66).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein providing an alert comprises providing an audible alert (col. 2, line 58-66).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising storing the current location of the handheld device in a memory (col. 2, line 23-29).

Regarding claim 13, RATSCHUNAS discloses a mobile communication device, comprising: a processor (col. 4, line 10-23); a display coupled to the processor (col. 2, line 58-67; text message displayed on device); a wireless module coupled to the processor (col. 2, line 49-54); and a memory coupled to the processor (col. 2, line 31-48), said memory comprising an electronic application and processor-executable code

(col. 4, line 23-58; diary/calendar functions), said processor-executable code causes the processor to: determine an intermediate amount of travel time using a distance between a location of an upcoming event and a current location of the mobile communication device (col. 2, line 49-54; col. 4, line 10-22; col. 5, line 46-48); using said wireless module, determine factors of the handheld device which affect travel time to said event (col. 2, line 49-54; col. 4, line 10-22; col. 5, line 33-col. 6, line 11; col. 6, line 40-67); and using said factors, modify the intermediate amount of travel time, thereby producing a final amount of travel time for a user to timely arrive at the upcoming event (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); wherein either the electronic application or the processor-executable code causes the processor to provide an alert on the display at a time that precedes the upcoming event by at least the final amount of travel time (abstract; col. 5, line 33-col. 6, line 5). However, RATSCHUNAS does disclose wherein factors affecting travel time to said event is other than said distance and a speed of the handheld device. In the same field of the endeavor, LESIANT et al discloses wherein factors affecting travel time to said event is other than a distance and a speed of the handheld device (col. 25, line 21-40; col. 28, line 58-65; factors affecting travel time includes weather, road conditions, etc.). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include the factors affecting a travel time, as taught by LESAINT, since LESAINT states that such a modification would allow a system to handle real time changes in a schedule.

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor-executable code causes the processor to access a network to obtain said factors (col. 1, line 56-67, col. 2, line 49-54, col. 3, line 1-16; col. 5, line 13-19; col. 6, line 48-67).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of RATSCHUNAS and LESIANT discloses wherein using said factors comprises using at least one factor selected from the croup consisting of weather conditions, low automobile fuel levels, and lack of user familiarity with a travel route (col. 25, line 21-40; col. 28, line 58-65).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor-executable code causes the processor to store the current location of the mobile communication device in the memory (col. 2, line 23-29; col. 5, line 13-19).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the wireless module comprises a GPS receiver (col. 2, line 49-54).

Regarding claim 23, RATSCHUNAS discloses a system, comprising: a means for determining a current physical location of a portable device (abstract; col. 2, line 1-16); a means for storing an adjustable user schedule (abstract; col. 2, line 1-16); a means for accessing the user schedule, for determining a travel time from the current physical location to a location of a scheduled event in the user schedule, and for adjusting said

travel time based on travel factors to produce an adjusted travel time (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); and a means for providing an alert to a user of the portable device, said alert provided at a time that precedes the scheduled event by at least the adjusted travel time (col. 5, line 33-col. 6, line 5). However, RATSHUNAS does not expressly disclose wherein said factors are selected from the group consisting of a user walking speed, a fuel level of the user's automobile and a weather forecast. However, RATSCHUNAS does disclose wherein factors affecting travel time are selected from a group consisting of a user walking speed, a fuel level of the user's automobile and a weather forecast. In the same field of the endeavor, LESIANT et al discloses wherein factors affecting travel time to said event is other than a distance and a speed of the handheld device (col. 25, line 21-40; col. 28, line 58-65; factors affecting travel time includes weather, road conditions, etc.). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include the factors affecting a travel time, as taught by LESAINT, since LESAINT states that such a modification would allow a system to handle rapid changes in a schedule.

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the means for determining a physical location of a portable device comprises a wireless access point (col. 1, line 55-67; col. 2, line 49-54).

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the

means for storing comprises a server (col. 4, line 46-59; col. 6, line 48-68; retrieval of information using http or web browser).

6. Claims 9-11, 18, 19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of LESAINT et al (US 6,578,005 B1) and in further view of MURRAY (US 6,484,033 B2).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose further comprising electronically communicating with at least one individual at the location of the upcoming event without user intervention. MURRAY discloses further comprising electronically communicating with at least one individual at the location of the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein electronically communicating comprises sending electronic mail, a voice message or a text message. MURRAY discloses

wherein electronically communicating comprises sending electronic mail, a voice message or a text message (206-Figure 11; col. 13, lines 36-55).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose further comprising electronically communicating with at least one individual at the location of the upcoming event upon user authorization. MURRAY discloses comprising electronically communicating with at least one individual at the location of the upcoming event upon user authorization (col. 14, line 65-col. 15, line 29). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event without user intervention. MURRAY discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55). Therefore it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify the combination of RATSCHUNAS and LESAINT to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event upon user authorization. MURRAY discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event upon user authorization (col. 14, line 65-col. 15, line 29). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although RATSHUNAS discloses that many forms of location techniques can be used (col. 2, line 48-54), the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein the wireless module

comprises triangulation capabilities. MURRAY further discloses wherein the wireless module comprises triangulation capability (column 2:lines 18-30). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include triangulation capabilities, as shown in MURRAY, as triangulation is well known in the art of mobile device location determination.

7. Claims 12, 20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of LESAINT et al (US 6,578,005 B1) and in further view of PITT et al (US 2004/0203597 A1).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising determining a location for the handheld device at programmable intervals (col. 4, line 10-23). However, RATSCHUNAS does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the

processor determines the current user location at programmable intervals (col. 4, line 10-23). However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

Regarding claim 28, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising means for determining the current location of the portable device at programmable intervals (col. 4, line 10-23). However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

8. Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of LESAINT et al (US 6,578,005 B1) and in further view of MYR (US 2001/0029425 A1).

Regarding claim 26, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, the combination of RATSCHUNAS and LESAINT does not expressly disclose wherein the means for network access comprises a General Packet Radio Service. MYR discloses wherein the means for network access comprises a General Packet Radio Service (paragraph 102). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of RATSCHUNAS and LESAINT in this way, as taught by MYR, since the use of the GPRS protocol is more common in a dedicated intranet navigational environment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600